

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** CHARLES N. (NORM) MILLER  
**TELEPHONE:** (202) 418-2767  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

February 14, 2012

Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, Virginia 22209-3801

Re: M&M Broadcasters, Ltd.  
KLRK (AM), Mexia, Texas  
Facility Identification Number: 21493  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 13, 2012, on behalf of M&M Broadcasters, Ltd. ("M&M"). M&M requests special temporary authority ("STA") to operate Station KLRK pursuant to Section 73.1615.<sup>1</sup> In support of the request, M&M states that it is in the process of completing construction of modified KLRK facilities as authorized by Construction Permit BP-20100514ABJ. M&M requests STA for operation with a temporary nondirectional antenna and reduced power of 625 watts.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

Our review indicates that the request does not comply with Section 73.1615. However, if the daytime operating power is restricted/reduced as set forth below, the proposed operation will

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<sup>1</sup> KLRK is licensed for operation on 1590 kHz with 0.5 kilowatt daytime and 0.128 kilowatt nighttime, employing a nondirectional antenna (ND-1-U). Construction Permit BP-20100514ABJ authorizes relocation of the transmitter, an increase in nominal daytime power to 2.5 kilowatts and a decrease in nighttime nominal power to 0.065 kilowatt, employing different directional antenna patterns daytime and nighttime (DA-2-U).

comply with the rule.

Accordingly, the request for STA IS HEREBY GRANTED, with modifications as discussed above. Station KLRK may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BP-20100514ABJ. In particular, the following modes of operation<sup>2</sup> are authorized:

- 1) During daytime hours, with a nondirectional antenna and reduced power not to exceed 0.625 kilowatt, for nondirectional proof of performance measurements and as necessary to facilitate the construction work. Operating power must be reduced to 0.5 kilowatt or less during any significant period of time when proof of performance measurements are not being taken.
- 2) During daytime hours, with the substantially adjusted daytime and/or nighttime directional patterns and powers authorized by the permit, for final adjustment and proof of performance measurements. Operating power shall be reduced to 0.5 kilowatt or less during any significant period of time when field strength measurements are not being taken.
- 3) During nighttime hours, with a nondirectional antenna and operating power not to exceed 0.128 kilowatt.
- 4) During nighttime hours, with the substantially adjusted nighttime directional antenna pattern authorized by the permit, with nominal power not to exceed 0.065 kilowatt.

It will be necessary to further reduce power or cease operation if complaints of interference are received. M&M must notify the Commission when licensed operation is restored.<sup>3</sup> M&M must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **August 14, 2012**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing

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<sup>2</sup> Nighttime operation is not required.

<sup>3</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: M&M Broadcasters, Ltd.